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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,161	02/04/2002	Dennis Robert Kliegle	24950A	4940

22889 7590 11/12/2003

OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE, OH 43023

EXAMINER

GREEN, CHRISTY MARIE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,161

Applicant(s)

KLIEGLE ET AL.

Examiner

Christy M Green

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 13-36 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-12 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is a second office action for serial number 10/067161, entitled Suspended Ceiling Panel Edge and Rib Technology, filed on February 4, 2002.

Response to Restriction Requirement

Applicant's election with traverse of claims 1-12 (Group 1) in Paper No. 5 is acknowledged. The traversal is on the ground(s) that the subject matter of claims 2-36 is sufficiently related and that examination of the entire application could be made without serious burden. This is not found persuasive because as previously stated within the Restriction Requirement, that the groups are separated by apparatus and the process of making or forming the apparatus, which acquire a separate states in the art as shown by their different classifications.

The requirement is still deemed proper and is therefore made FINAL.

Claims 13-36 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 5.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, within claim 1, the major dimension and the minor dimension; within claim 2, a fifth surface must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: within claim 2, the "said face" in line 2, is unclear if this is supposed to be the side edge or the back surface, also, since there is no fifth surface disclosed within the drawings and since the only surfaces to intersect the fourth surface is the face surface and the third surface, the examiner will interpret the said face, as best understood to be the face surface and clarification should be made within the specification as well as within the drawings in regards to this limitation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Moeller, US patent # 3,828,508.

Moeller discloses the claimed invention a surface panel (44, 40) with a thickness dimension (see attached figure 1), a side edge of the panel corresponding to the thickness dimension, a face surface of the panel facing toward a room (96) and a back surface of the panel being opposite of the face surface (see attached figure 1), the panel edge is multifaceted and includes a first surface intersecting the back surface, a second surface intersecting the first surface and substantially parallel to the face surface, a third surface intersecting the second surface and substantially orthogonal to the face surface and a fourth surface intersecting and being beveled relative to the third surface (see attached figure 1); the multifaceted edge further including a fifth surface (96) parallel to the face and intersecting the fourth surface; the fifth surface is the face (96); the first surface is substantially orthogonal to the back surface (see attached figure 1); the surface panel (40, 44) is a ceiling panel for a suspended ceiling (column 3, lines 36-40); a height of the third surface is about half of the distance between the second surface and the face surface (see attached figure 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moeller in view of Allen et al., US Patent # 6,176,054 and further in view of Shayman, US patent # 3,919,444.

Moeller discloses the claimed invention as stated above in claim 1, except for the surface panel is a wall panel for an acoustical wall system. Allen teaches that it is known in the art to provide a wall system made of any suitable material including a ceiling tile panel. Shayman teaches that it is known in the art to provide an acoustical wall or panel made from the properties of a ceiling tile. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the wall panel made of any material and the wall panel with a ceiling tile panel in a system, made from the properties of a ceiling tile as taught by Allen and further in view of Shayman to the suspended ceiling panel of Moeller in order to improve fire retardant properties of a structure (column 1, lines 64-68).

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moeller.

Moeller discloses the claimed invention as stated above in claim 1, except for the distance between the second surface and the face surface is $15/16$ inch, a length of the third surface is about $15/32$ inch, the bevel of the fourth side defines an imaginary triangle having a first side, a second side has a hypotenuse, the first side coplanar with the third surface about $15/32$ inch, the second side having a length, L, in range of about $1/16$ inch, L about $1/2$ inch. It would have been an obvious matter of design choice to provide these dimensions, since such a modification would have involved a mere

Art Unit: 3635

change in the size of a component, and since the applicant has not disclosed that these dimensions are for a particular purpose and it seems that the invention performs equally well as taught by Moeller. A change in size is generally recognized as being within the level of ordinary skill in the art. Also, it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Allowable Subject Matter

Claims 10-12 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: within claim 10, prior art does not disclose the third surfaces abut against each other without intervening the framing material in combination with a fourth surface intersecting and being beveled relative to the third surface and all other surfaces of the multifaceted edges of each panel.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy M Green whose telephone number is 703-308-9693. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Art Unit: 3635

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Yvonne M. Horton

cg

August 25, 2003

FIG. 1.

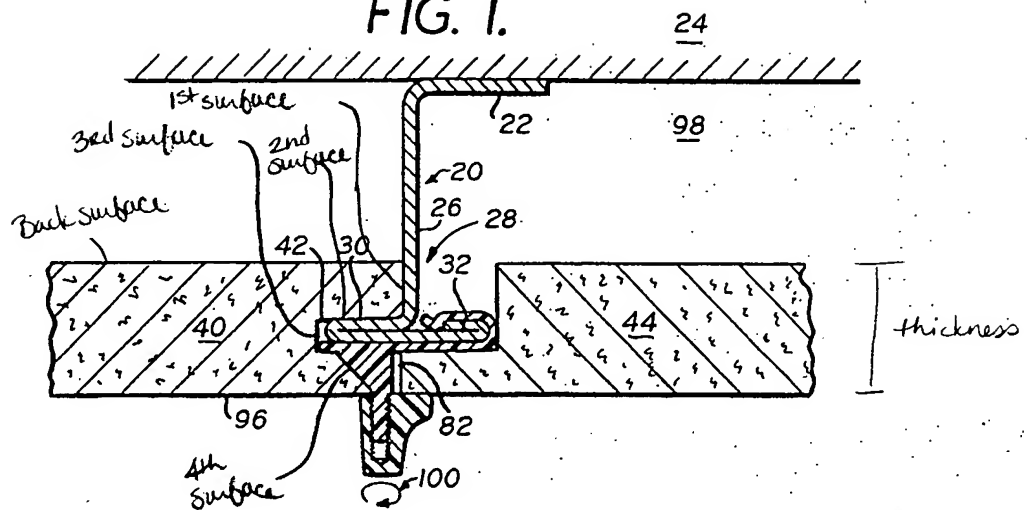


FIG. 2.

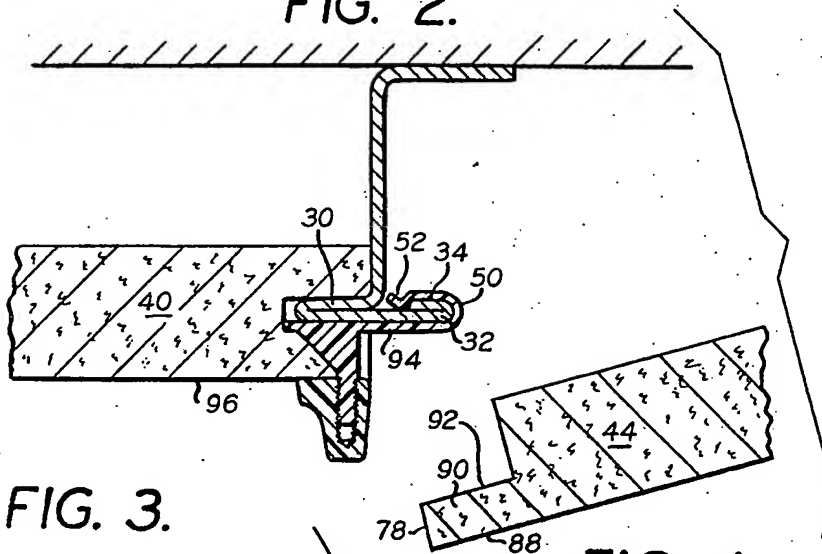


FIG. 3.

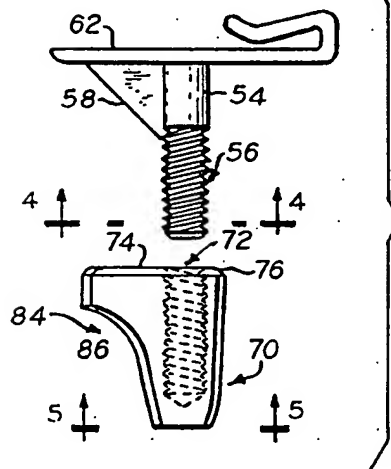


FIG. 4.

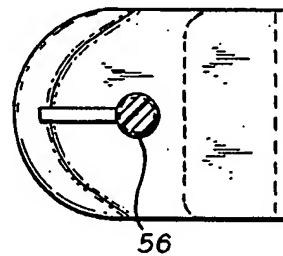


FIG. 5.

